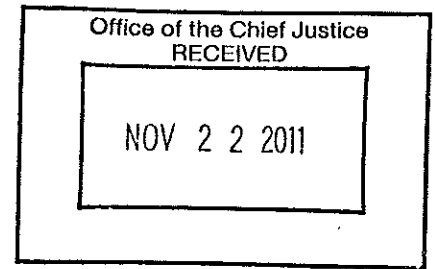


Chief Justice Michael Heavican
Nebraska Supreme Court
1213 State Capitol
P.O. Box 98910
Lincoln
NE 68509-8910

COPY



18th November 2011

REF: Use of Naari sodium thiopental for the purposes of executions in Nebraska

Dear Chief Justice Michael Heavican,

I am writing to you on an extremely grave and urgent issue. It has recently been brought to my attention that Nebraska Department of Correctional Services has purchased 485 grams of sodium thiopental manufactured for Naari which it intends to use in capital punishment procedures in Nebraska.

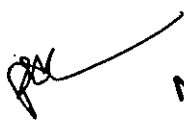
I am shocked and appalled by this news. Naari did not supply these medicines directly to the Nebraska Department of Correctional Services and is deeply opposed to the use of the medicines in executions. The medicines in question were supplied by Naari to a man called Mr. Chris Harris. The agreement with Mr. Harris was that he would use these vials for registration in Zambia. Our intention was to get the product registered in Zambia and then begin selling it there, since sodium thiopental is used very widely as an anaesthetic in the developing world.

Mr. Harris was authorised specifically to take the product to Zambia and get it registered there. He was not authorised to sell the product to the Nebraska Department of Correctional Services or to anyone else in the USA.

Mr. Harris misappropriated our medicines and diverted them from their intended purpose and use. I am writing to request that the thiopental which was wrongfully diverted by Mr. Harris to the Nebraska Department of Correctional Services be returned immediately to its rightful owners, that is, that it be returned to us at Naari.

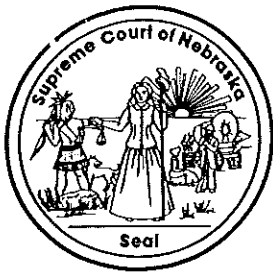
Thank you in advance for your urgent assistance on this important matter.

Sincerely,


Prithi Kochhar
CEO, Naari

Naari AG
Arnold Bocklin - Strasse 11
4051 Basel
Switzerland

CC. Jon Bruning, Nebraska Attorney General, 2115 State Capitol, Lincoln, NE 68509



CLERK OF THE NEBRASKA SUPREME COURT
AND NEBRASKA COURT OF APPEALS

2413 State Capitol Building, P.O. Box 98910

Lincoln, Nebraska 68509-8910

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COPY

Lanet S. Asmussen
Clerk

Janice J. Culver
Deputy Clerk

Pamela J. Kraus
Jill R. Machacek
Appellate Clerks

Lori D. Oliveros
Shelley Holmberg
Bailiffs

November 29, 2011

Mr. Prithi Kochhar
NAARI AG
Arnold Bocklin – Strasse 11
4051 Basel
Switzerland

Mr. Prithi Kochhar:

The office of Chief Justice Heavican forwarded to me a copy of your letter dated November 18, 2011, regarding the acquisition of sodium thiopental by the Nebraska Department of Correctional Services. For the reasons stated below, the Chief Justice requested that I respond to your communication since his involvement in this matter is proscribed by rules of judicial ethics.

The Nebraska Revised Code of Judicial Conduct, at Neb. Rev. Code of Judicial Conduct § 5-302.9, generally prohibits a Nebraska judge from initiating, permitting, or considering ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter. The matter addressed in your letter could potentially become an issue before the Supreme Court and, therefore, neither the Chief Justice nor the Court may consider this communication in the absence of it being brought before them by a party to a case or controversy pending in the Court.

A copy of your letter will be filed in the records of the Clerk's Office and a copy will also be provided, along with a copy of this letter, to counsel of record in two active death penalty cases that are known by this office, Mr. Jon Bruning, Nebraska Attorney General and Mr. Jerry Soucie of the Nebraska Commission for Public Advocacy.

Please refrain from sending any further communications regarding this matter to Nebraska Supreme Court given that such ex parte communications are generally improper and prohibited by the Revised Code of Judicial Conduct.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lanet S. Asmussen".

Lanet S. Asmussen
Clerk

LSA

c Jon Bruning
Jerry Soucie